

## FEDERAL COMMUNICATIONS COMMISSION

Washington, D. C. 20554

FEB 27 2004

OFFICE OF  
MANAGING DIRECTOR

Stephen R. Harris, President  
Harris Broadcasting Company, Inc.  
417 West Plumb Lane  
Reno, NV 89509

Re: Harris Broadcasting Company, KBJN(TV)  
Request for Reduction of FY 2003 Regulatory Fee  
Fee Control No. 0310308835215001

Dear Mr. Harris:

This is in response to your request dated October 21, 2003, for a reduction of the \$30,125.00 fiscal year (FY) 2003 regulatory fee filed on behalf of Harris Broadcasting Company (HBC), licensee of Station KBJN(TV). You request that the FY 2003 regulatory fee be reduced to \$4,450.00. Our records reflect that HBC paid \$4,450.00, plus a late charge fee for late payment of the regulatory fee in the amount of \$1,112.50.

In your request, you assert that the FY 2003 regulatory fee for KBJN(TV) should be reduced to the amount charged to VHF television stations in the remaining market category in the Salt Lake City, Utah television market (i.e., \$4,450.00), the DMA to which KBJN(TV) is assigned. You state that KBJN(TV) "neither operates nor serves the viewers in the principal city Salt Lake City, Utah." You state that the station "serves the small community of Ely, Nevada [and that its Grade B contour . . . serves approximately 3,000 households[,] . . . fewer households than the top 100<sup>th</sup> market[.]"

Section 1.1166(d) of the Commission's rules, 47 C.F.R. §1.1166(d), provides that:

[p]etitions for reduction of a fee must be accompanied by the full fee payment and Form 159. . . Petitions for reduction that do not include the required fees or forms will be dismissed unless accompanied by a petition to defer payment due to financial hardship, supported by documentation of the financial hardship.

Your request for a reduction of the FY 2003 regulatory fee for KBJN(TV) did not include the required FY 2003 regulatory fee. Your request for reduction of the FY 2003 regulatory fee, which was received after the September 25, 2003 regulatory fee payment deadline, also did not include a petition to defer payment due to financial hardship, supported by documentation of the financial hardship. We therefore dismiss your request for a reduction of the FY 2003 regulatory fee associated with KBJN(TV) under section 1.1166(d) of the rules.

The Communications Act of 1934, as amended, requires the Commission to assess a late charge penalty of 25 percent on any regulatory fee not paid in a timely manner. It is the obligation of the licensee responsible for regulatory fee payments to ensure that the Commission receives the fee payment no later than the final date on which regulatory fees are due for the year. Your request does not indicate or substantiate that KBJN(TV) met this obligation with respect to the full late charge fee (i.e., 25 percent of \$30,125.00). Therefore, payment of the balance of KBJN(TV)'s FY 2003 regulatory fee of \$25,675.00 (i.e., \$30,125.00 minus \$4,450.00) is due, plus the balance of the 25 percent late charge penalty of \$6,418.75 (i.e., \$7,531.25 minus \$1,112.50), for a total of \$32,093.75. The balance due on the regulatory fee and the late charge penalty should be submitted, together with a Form 159 (copy enclosed) within 30 days of the day of this letter. You are advised that continued failure to pay the balance due on the regulatory fee and the late charge penalty may subject the licensee, HBC, to further sanctions, including the initiation of a proceeding to recover the balance due on the regulatory fee and penalty and any accrued interest pursuant to the provisions of the Debt Collection Improvement Act, 31 U.S.C. § 3717. *See Assessment and Collection of Regulatory Fees for Fiscal Year 2003*, 18 FCC Rcd 15985, 15995 (2003); *see generally* 47 C.F.R. §§ 1.1112 and 1.1164.

If you have any questions concerning this letter, please call the Revenue and Receivables Operations Group at (202) 418-1995.

Sincerely,



Mark A. Reger  
Chief Financial Officer

Enclosure

0310308835215001

**HARRIS BROADCASTING COMPANY, INC.**

417 WEST PLUMB LANE

RENO, NV 89509

TELEPHONE: (775) 786-7600

TELECOPIER: (775) 786-1633

October 21, 2003

*Via Federal Express*

Federal Communications Commission

Regulatory Fees

c/o Mellon Client Service Center

500 Ross Street, Room 670

Pittsburgh, PA 15262-0001

Attn: FCC Module Supervisor

**Re: Request for Reduction of Regulatory Fees for Fiscal Year 2003 KBJN(TV)**

Dear Sir or Madam

Harris Broadcasting Company, licensee of KBJN (TV), Channel 3 (Facility #86537) objects to the 2003 regulatory fee assessment (\$30.125) and submits the amount charged to VHF television stations (\$4,450) in the remaining market category (markets 101 and above).

In order to have the regulatory fee for a station reduced, a station must have certain characteristics. First, the station must be located outside the metropolitan area of the principal city in the assigned DMA. KBJN (TV) operates in the Salt Lake City, Utah television market. However, the station neither operates nor serves the viewers in the principal city Salt Lake City, Utah. Second, the station may not provide a Grade B signal to a substantial portion of the assigned market's metropolitan areas. KBJN serves the small community of Ely, Nevada. Its Grade B contour does reach beyond the Nevada border and serves approximately 3,000 households. Since the Grade B signal for KBJN does not encompass any of the Salt Lake City metropolitan area and it serves fewer households than the top 100<sup>th</sup> market, the regulatory fee for KBJN should be assessed in the remaining market category (\$4,450).

Included with the reduced regulatory fee is a 25 percent late fee (\$1,112.50). Harris Broadcasting apologizes for its tardiness regarding this issue.

Sincerely,



STEPHEN R. HARRIS, President

HARRIS BROADCASTING COMPANY, INC

SRH:ng

Encls.

RECEIVED OCT 30 2003

FCC/MELLON

OCT 22 2003

READ INSTRUCTIONS CAREFULLY  
BEFORE PROCEEDINGFEDERAL COMMUNICATIONS COMMISSION  
REMITTANCE ADVICEApproved by OMB  
3060-0589  
Page 1 of 1

(1) LOCK BOX # 358835		SHEET 1 OF 1	
SECTION A - PAYER INFORMATION			
(2) PAYER NAME (if paying by credit card enter name exactly as it appears on the card) Valley Broadcasting Company		(3) TOTAL AMOUNT PAID (U.S. Dollars and cents) \$5,562.50	
(4) STREET ADDRESS LINE NO 1 1500 Foremaster Lane			
(5) STREET ADDRESS LINE NO 2			
(6) CITY Las Vegas		(7) STATE NV	(8) ZIP CODE 89101
(9) DAYTIME TELEPHONE NUMBER (include area code) 7026423333		(10) COUNTRY CODE (if not in U.S.A.)	
FCC REGISTRATION NUMBER (FRN) REQUIRED			
(11) PAYER (FRN) 0001594043			
IF MORE THAN ONE APPLICANT, USE CONTINUATION SHEETS (FORM 159-C) COMPLETE SECTION BELOW FOR EACH SERVICE. IF MORE BOXES ARE NEEDED, USE CONTINUATION SHEET			
(13) APPLICANT NAME Harris Broadcasting Company			
(14) STREET ADDRESS LINE NO 1 417 West Plumb Lane			
(15) STREET ADDRESS LINE NO 2			
(16) CITY Reno		(17) STATE NV	(18) ZIP CODE 89509
(19) DAYTIME TELEPHONE NUMBER (include area code) 7757867600		(20) COUNTRY CODE (if not in U.S.A.)	
FCC REGISTRATION NUMBER (FRN) REQUIRED			
(21) APPLICANT (FRN) 0004923900			
COMPLETE SECTION C FOR EACH SERVICE, IF MORE BOXES ARE NEEDED, USE CONTINUATION SHEET			
(23A) CALL SIGN/OTHER ID KBJN	(24A) PAYMENT TYPE CODE 0357	(25A) QUANTITY 1	
(26A) FEE DUE FOR (PTC) \$5,562.50	(27A) TOTAL FEE \$5,562.50		
(28A) FCC CODE 1 86537	(29A) FCC CODE 2 NV Ely		
(23B) CALL SIGN/OTHER ID	(24B) PAYMENT TYPE CODE	(25B) QUANTITY	
(26B) FEE DUE FOR (PTC)	(27B) TOTAL FEE		
(28B) FCC CODE 1	(29B) FCC CODE 2		
SECTION D - CERTIFICATION			
CERTIFICATION STATEMENT I, <u>Stephen E. Harris</u> , certify under penalty of perjury that the foregoing and supporting information is true and correct to the best of my knowledge and belief.			
SIGNATURE <u>[Signature]</u>		DATE <u>10/21/03</u>	
SECTION E - CREDIT CARD PAYMENT INFORMATION			
MASTERCARD _____ VISA _____ AMEX _____ DISCOVER _____			
ACCOUNT NUMBER _____		EXPIRATION DATE _____	
I hereby authorize the FCC to charge my credit card for the service(s)/authorization herein described.			
SIGNATURE _____		DATE _____	



AR012-A  
11/06/2003  
9 28:30

RAMIS ACCOUNTS RECEIVABLE - (c) DSG, Inc.  
RECEIPTS DETAIL REPORT  
SORTED BY TRANSACTION DATE, CD NO., FEE CONTROL NO

PAGE 1  
11/06/2003  
9:28.30

CD No.	CD DATE	FEE CONTROL NO.	FRN	PAYER NAME	TRANSACTION DATE	RECEIPT AMOUNT
560836	10/30/03	0310308835215001	0001594043	Valley Broadcasting Company	10/29/03	\$5,562.50
Seq: 1 Call Sign: KBJN FCC Code 1: 86537 FCC Code 2: NVELY Tin Number:						
PTC: 0357 QTY: 1 Applied Amt: 4450.00 ✓						
Applicant Name: HARRIS BROADCASTING COMPANY						
Address: 417 WEST PLUMB LANE						
Seq: 2 Call Sign: FCC Code 1: FCC Code 2: Tin Number:						
PTC: 0399 QTY: 1 Applied Amt: 1112.50 /						
Applicant Name: HARRIS BROADCASTING COMPANY						
Address: 417 WEST PLUMB LANE						
Total:				\$5,562.50		